No. 08-1388

FILED
FEB 17 2009
OFFICE OF THE CLERK
SUPREME COURT, U.S.

IN THE

SUPREME COURT OF THE UNITED STATES

Joyce A. Williams - PETITIONER

vs.

District of Columbia - RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

District of Columbia Court of Appeals

PETITION FOR WRIT OF CERTIORARI

Joyce A. Williams, Pro Se

5722 8th Street North West

Washington, D.C. 20011-3069

202 812-5500

QUESTION(S) PRESENTED

Argument No. 1:

A CONDEMNATION ORDER ISSUED BY THE DISTRICT OF COLUMBIA GOVERNMENT DID NOT ALLOW THE PETITIONER TIME FOR DUE PROCESS OF LAW BEFORE DEMOLISHING HER BUILDING. THE NOTICE THAT THE PETITIONER RECEIVED WAS DATED THE SAME MONTH OF THE DEMOLITION.

Argument No. 2:

THE PETITIONER NEVER RECEIVED COMPENSATION FOR THE VALUE OF THE BUILDING THAT WAS DEMOLISHED BY THE DISTRICT OF COLUMBIA GOVERNMENT.

Argument No. 3:

THE PETITIONER'S FIFTH AMENDMENT RIGHT WAS VIOLATED WHEN THE DISTRICT OF COLUMBIA GOVERNMENT DEPRIVED HER OF HER PROPERTY WITHOUT JUST COMPENSATION.

Argument No. 4:

THE PETITIONER'S FOURTEENTH AMENDMENT RIGHT WAS VIOLATED WHEN THE DISTRICT OF COLUMBIA DEPRIVED HER OF HER PROPERTY WITHOUT JUST COMPENSATION.

Appendix

Appendix "A" – Entry of the District of Columbia Court of Appeals, denying the motion for reconsideration filed November 19, 2008 ... 1a

Appendix "B" – Entry of the District of Columbia Court of Appeals, denying the appeal filed October 21, 2008 ..... 2a

Appendix "C" – Entry of the District of Columbia Court of Appeals, ordering plaintiff to show cause order filed October 01, 2008 ..... 3a

Appendix "D" – Entry of the Superior Court of The District of Columbia Civil Division, new trial denied, Order filed August 12, 2008 ..... 4a

Appendix "E" – Entry of the Superior Court of The District of Columbia Civil Division, denying reconsideration, Order filed July 10, 2008 ..... 5a

Appendix "F" – Entry of the Superior Court of The District of Columbia Civil Division, Judgment filed July 10, 2008 ..... 6a & 6b

LIST OF PARTIES

[x] All parties appear in the caption of the case on the cover page.

[ ] All parties do not appear in the caption of the case on the cover page. A list of all parties to the proceeding in the court whose judgement to the subject of this petition is as follows:

TABLE OF CONTENTS

OPINIONS BELOW 1

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED..... 2

JURISDICTION..... 3

STATEMENT OF THE CASE..... 4

REASONS FOR GRANTING THE WRIT..... 7

CONCLUSION..... 8

INDEX TO APPENDICES

APPENDIX A..... 1a

APPENDIX B.....2a

APPENDIX C.....3a

APPENDIX D.....4a

APPENDIX E.....5a

APPENDIX F.....6a & b

TABLE OF AUTHORITIES CITED

CASES PAGE NUMBER

Annie E. Miles v. District of Columbia, a Municipal Corporation
166 U.S.App.D.C. 235..... 6

Metropolitan Railroad Company v. District of Columbia
195 U.S. 322 28 S.Ct. 28..... 6

United States v. 93.970 Acres of Land
360 U.S. 328, 79 S. Ct. 1193..... 6

United States v. MERZ
376 U.S.192, 84 S. Ct. 639..... 6

Best v. Humboldt Placer Mining Co.
371 U.S. 334, 83 S. Ct. 379 6

United States v. Dow
357 U.S. 17, 78 S. Ct. 1039..... 6

STATUTES AND RULES

OTHER

IN THE

SUPREME COURT OF THE UNITED STATES

PETITION FOR WRIT OF CERTIORARI

Petitioner respectfully prays that a writ of certiorari issue to review the judgment below.

OPINIONS BELOW

[ ] For cases from federal courts:

The opinion of the United States court of appeals appears at Appendix _____ to the petition and is

[ ] reported at _____; or,
[ ] has been designated for publication but is not yet reported; or,
[ ] is unpublished.

The opinion of the United States district court appears at Appendix _____ to the petition and is

[ ]reported at _____; or,
[ ] has been designated for publication but is not yet reported; or,
[ ] is unpublished.

[x] For cases from state courts:

The opinion of the highest state court to review the merits appear at
Appendix A, B, & C to the petition and is

[ ] reported at _____; or,
[ ] has been designated for publication but is not yet reported; or,
[ ] is unpublished.

The opinions of the Superior court Appears at Appendix D, E, & F to the petition and is
[ ] reported at _____; or,
[ ] has been designated for publication but is not yet reported; or,
[ ] is unpublished.

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

The United States Constitution provides protection of the people and their property in the Fifth Amendment and the Fourteenth Amendment. The text of these follows:

Amendment V:
No person . . . nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

Amendment XIV:
All persons . . .nor shall any State deprive any person of life, liberty, or property,

without due process of law; nor deny any person within its jurisdiction the equal protection of the laws.

JURISDICTION

[ ] For cases from federal courts:

The date on which the United States Court of Appeals decided my case was _____

[ ] No petition for rehearing was timely filed in my case.

[ ] A timely petition for rehearing was denied by the United States Court of Appeals on the following date: _____, and a copy of the Order denying rehearing appears at Appendix _____.

[ ] An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) on _____ (date) in Application No. ___A_____.

[ ] An extension of time to file the petition for a writ of certiorari was granted to and including _____(date) on _____(date) in Application No. ___A_____.

The jurisdiction of this Court is invoked under 28 U.S.C.s1254(1).

[x] For cases from state courts:

The date on which the highest state court decided my case was July 10, 2008
A copy of that decision appears at Appendix B.

[x] A timely petition for rehearing was thereafter denied on the following date: November 19, 2008, and a copy of the order denying rehearing Appears at Appendix A.

[ ] An extension of time to file the petition for a writ of certiorari was granted to and including _____(date) on _____ (date) in Application No. A_____.

The jurisdiction of this Court is invoked under 28 U.S.C.s1257(a).

STATEMENT OF THE CASE

Petitioner, Joyce A. Williams brought suit against District of Columbia Government concerning the demolition of her real estate property located at 4109 5th Street North West, Washington, D.C. She had made numerous repairs to the property in the past year. Her

roof was finally not leaking. The windows on the front were replaced. The front porch was repaired according to a notice from the government. The side wall was under contract. She received a notice by mail Thursday April 16, 2004. She made numerous attempts to talk to the government concerning the notice to no avail.

April 19, 2004 part of a back wall fell. The petitioner was not notified. Another house had similar problems that same evening and the owner was allowed to work on his property. She went to the property April 20, 2004 and Cannon Construction Company was knocking a brick out of the front wall that took about an hour. She contacted Hubert Johnson who in the end told her to get a lawyer.

All of this happened after many visits to the government office concerning the property. That December she wrote a five page letter with copies to the mayor and the ward 4 councilmember. Marcia Smith told her not to write anymore letters. She was also on the witness list but the server could not locate her.

During this entire process of trying to comply with fixing the building, the neighbor who testified in court was the same Shirley Washington who called the police more than three times while I was working on the house. She also interrupted workers as they were helping.

The Superior Court Judge relied on her testimony at trial. He also relied on the testimony of a man who was only at the building for approximately twenty minutes.

He said that only twenty percent of the back wall remained. That was proven incorrect with the pictures that were taken on April 20, 2004.

The lawyer left the case because his mother was diagnosed with cancer. A new trial was requested and denied.

The government did not allow time for due process of law for the condemnation process. Demolition did not have to be performed because part of a wall fell. On Kansas Avenue North East one wall was saved by bracing. Here is cited the **Annie E. Miles v. District of Columbia, a Municipal Corporation, 166 U.S.App.D.C. 235.**

The Superior Court did not provide compensation for the demolished property which violated the Fifth and Fourteenth Amendments rights of depriving property, without due process of law; nor shall private property be taken for public use without just compensation. Cases cited here are: **Annie E. Miles v. District of Columbia, a Municipal Corporation, 166 U.S.App.D.C.; Metropolitan Railroad Company v. District of Columbia, 195 U.S. 322 28 S. Ct. 28; United States v. 93.970 Acres of Land, 360 U.S. 328, 79 S. Ct. 1193; Best v. Humboldt Placer Mining Co.,371 U.S. 334, 83 S. Ct. 379; United States v. Dow, 357 U.S. 17, 78 S. Ct. 1039; and United States v. Merz, 376 U.S.192, 84 S. Ct. 639.**

The petitioner is a senior citizen who is not a lawyer. She prays this matter will be considered and that justice will prevail.

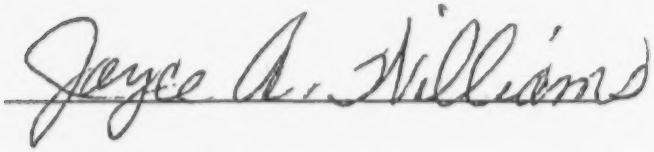
REASONS FOR GRANTING THE PETITION

This Petition should be granted in order to preserve Justice for the people of the District of Columbia. The petitioner is a senior who has resided as a home owner since 1972. The demolished property was purchased for family members especially her son who died in 1999. The Constitution provides for property rights in the Fifth an Fourteenth Amendments.

CONCLUSION

The petition for a writ of certiorari should be granted.

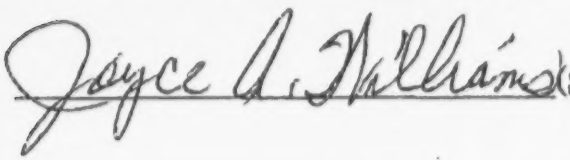
Respectfully submitted,



Date: February 17, 2009

I declare under penalty of perjury that the foregoing is true and correct.

Executed on February 17, 2009


(Signature)

Joyce A. Williams
5722 8th Street N. W.
Washington, D. C. 20011

APPENDIX A

District of Columbia
Court of Appeals

November 19, 2008

No. 08-CV-1194

JOYCE A. WILLIAMS,

Appellant,

v. CAB3067-04

DISTRICT OF COLUMBIA,

Appellee.

BEFORE: Glickman, Associate Judge, and Nebeker and Terry, Senior Judges.

ORDER

On consideration of appellant's motion for reconsideration and this court's October 27, 2008, order dismissing this appeal as untimely filed, it is

ORDERED that the motion for reconsideration is denied.

PER CURIAM

APPENDIX B

District of Columbia
Court of Appeals

October 27, 2008

No. 08-CV-1194

JOYCE A. WILLIAMS,

Appellant,

v. CAB3067-04

DISTRICT OF COLUMBIA,

Appellee.

BEFORE: Glickman, Associate Judge, and Nebeker and Terry, Senior Judges.

ORDER

On consideration of this court's October 1, 2008, order directing appellant to show cause why the appeal should not be dismissed as having been untimely filed, the response thereto, and it appearing that appellant's motion to extend time to file the motion for reconsideration was untimely filed such that it does not toll the time for noting an appeal under Super. Ct. Civ. R. 59 (e), and it further appearing that the September 11, 2008, notice of appeal was also untimely filed from the July 11, 2008, order, it is

ORDERED that this appeal is hereby dismissed as having been untimely filed. D.C. App. R. 4 (a)(1)

APPENDIX C

District of Columbia
Court of Appeals

October 01, 2008

No. 08-CV-1194

JOYCE A. WILLIAMS,

Appellant,

v.

CAB3067-04

DISTRICT OF COLUMBIA,

Appellee.

ORDER

On consideration of the Pro Se notice of appeal filed on September 11, 2008, from a judgment entered in the Superior Court on February 26, 2008, and it appearing that appellant's motion to extend time to file the motion for reconsideration was untimely filed, see Super. Ct. Civ. R. 59 (e), and therefore the trial court had no jurisdiction to consider the motion, see Williams v. Vel Rey Prop., Inc, 699 A.2d 418, 418-19 (D.C. 1997), Household Finance Corp v. First American Title Ins. Co., 699 A.2d 703, 706 (D.C. 1995), which did not toll the time for noting an appeal to this court, it is

ORDERED that appellant shall within 20 days from the date of this order show cause why this appeal should not be dismissed as having been untimely filed, see D.C. App. R. 4 (a)(1).

BY THE COURT: ERIC T. WASHINGTON Chief Judge

APPENDIX D

SUPERIOR COURT OF THE DISTRICT OF COLUMBIA CIVIL DIVISION

JOYCE A. WILLIAMS
Plaintiff

vs. Case No. 2004 CA 003067 B

DC GOV'T BOARD OF CONDEMNATION
Defendant

ORDER

Upon consideration of the PLAINTIFF'S Motion for a new trial, it is this 12th day of August hereby

ORDERED that the Plaintiff's Motion is DENIED.

Judge Gerald I. Fisher

APPENDIX E

SUPERIOR COURT OF THE DISTRICT OF COLUMBIA CIVIL DIVISION

JOYCE A. WILLIAMS
Plaintiff

vs. Case No. 2004 CA 003067 B

DISTRICT OF COLUMBIA

ORDER

Upon consideration of the multiple motions pending before this court in this matter, it is this 10th day of July 2008 hereby

ORDERED that the Defendant's Motion to Alter or Amend judgment is DENIED[1]; it

is

FURTHER ORDERED THAT THE Plaintiff's Extension of Time to File a Motion for Reconsideration is GRANTED with Plaintiff's Motion for Reconsideration accepted as filed on the date docketed with this Court; and it is

FURTHER ORDERED that Plaintiff's Motion for Reconsideration is DENIED

Judge Gerald I. Fisher

[1] Although Defendant's Motion to Alter or Amend Judgment referred to an accompanying memorandum which was to provide reasoning for Defendant's motion, no such memorandum was accepted for filing by the court.

APPENDIX F

SUPERIOR COURT OF THE DISTRICT OF COLUMBIA CIVIL DIVISION

JOYCE A. WILLIAMS
Plaintiff

2004 CA 003067 B
CaseNo.

vs.

DISTRICT OF COLUMBIA
Defendant

GERALD I FISHER
Judge

JUDGEMENT

This action came for [ ] Trial [x] Non-Jury Trial [ ] Ex-Parte Proof

Before the Honorable GERALD I FISHER, Superior Court Judge, presiding and

[ ] proof having been duly presented
[ ] the jury having rendered its verdict
[x] and the judge having rendered a decision

It is on this date February 26, 2008,

ORDERED As to count I, Illegal Condemnation, judgment be entered for the defendant DISTRICT OF COLUMBIA;

FURTHER ORDERED As to Count II, Taking without Just Compensation, an award is entered in favor of the plaintiff, JOYCE A. WILLIAMS against defendant DISTRICT OF COLUMBIA in the amount $542.00;

FURTHERED ORDERED The award of $542.00 shall be offset by defendant DISTRICT OF

COLUMBIA'S expenses for demolition of the subject property in the amount fo $32,344.00, and as a result judgement is awarded as to Count II in favor of defendant DISTRICT OF COLUMBIA in the amount of $31,802.00 with interest thereon from February 26, 2008 at the statutory rate.

Parties to bear their own costs associated with this action.

Duane B. Delaney Clerk of the Court